

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SARSVATKUMAR PATEL, : Civil Action No. 17-cv-02170 (NGG)(SJB)
Plaintiff, :
-against- : **AFFIRMATION OF STEFANIE TOREN**
LONG ISLAND UNIVERSITY, : **IN SUPPORT OF DEFENDANT'S**
Defendant. : **MOTION TO ENFORCE THE**
: **SETTLEMENT AGREEMENT**
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STEFANIE TOREN, an attorney duly admitted to practice law in all the Courts of the State of New York, hereby affirms the following to be true, under the penalties of perjury:

1. I am a partner at the law firm of Clifton Budd & DeMaria, LLP, attorneys for Defendant Long Island University (“LIU”). As such, I am fully familiar with all of the facts and circumstances of this action and submit this affirmation in support of LIU’s motion to enforce the settlement agreement reached at the December 21, 2021 settlement conference before the Honorable Sanket J. Bulsara.

2. Plaintiff Sarsvatkumar Patel (“Plaintiff”) commenced this action on April 10, 2017 (the “Action”). (Docket Entry (“DE”) 1).

3. In the Complaint, Plaintiff alleges that LIU retaliated against him in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”), the New York State Human Rights Law (“NYSHRL”), the New York City Human Rights Law (“NYCHRL”) and the Family and Medical Leave Act (“FMLA”). Plaintiff also alleges a claim of interference in violation of the FMLA. (DE 1).

4. LIU denies Plaintiff's allegations and that it violated any laws in connection with Plaintiff's employment at LIU. (DE 8).

5. On August 26, 2021, counsel for the parties requested that the Honorable Nicolas G. Garaufis refer the parties to participate in a settlement conference before Magistrate Judge Bulsara, which was granted by the Court. (DE 55-56).

6. On August 31, 2021, Magistrate Judge Bulsara issued an Order scheduling a video settlement conference with the parties on September 29, 2021.

7. The date of the settlement conference was subsequently adjourned until December 21, 2021.

8. On December 21, 2021 at 2:30 p.m., a settlement conference was held before Magistrate Judge Bulsara via Microsoft Teams.

9. Present on the video conference were the following individuals: (1) Magistrate Judge Bulsara; (2) Plaintiff; (3) Joshua Beldner, Esq., Plaintiff's counsel; (4) Elizabeth Cheung-Gaffney, Esq., University Counsel at LIU; (5) Douglas Catalano, Esq., counsel for LIU; (6) Stefanie Toren, Esq., counsel for LIU; and (7) Sara McCabe, Esq., a representative from LIU's insurer.

10. After caucusing separately with the parties and their attorneys, Magistrate Judge Bulsara confirmed that the parties had reached a settlement in principle to resolve the case.

11. Specifically, LIU agreed to pay to Plaintiff \$ [REDACTED] (the "Settlement Sum") to be allocated between Plaintiff and Plaintiff's counsel at their discretion.

12. In exchange, Plaintiff agreed to execute a general release of all claims against LIU and withdraw the Action.

13. Later that evening, Magistrate Judge Bulsara issued a Minute Entry and Order that provides:

A settlement conference was held on 12/21/2021 before Magistrate Judge Sanket J. Bulsara. Counsel and all parties were present. *A settlement was reached.* The parties shall file a stipulation of dismissal by 1/20/2022. So Ordered by Magistrate Judge Sanket J. Bulsara on 12/21/2021.

(**Exhibit A**)(emphasis added).

14. Subsequently, I undertook drafting the settlement documents consistent with the material terms reached at the settlement conference.

15. On January 3, 2022, I called Plaintiff's counsel to confirm the allocation of the Settlement Sum between Plaintiff and Plaintiff's counsel and left a voicemail message.

16. Having not received a return call, on January 10, 2022, I emailed Plaintiff's counsel and requested a call to confirm the allocation of the Settlement Sum. Plaintiff's counsel wrote in response: "I'm still discussing certain issues with my client. I will hopefully be in a position to get back to you guys by tomorrow or Wednesday." (**Exhibit B**).

17. On January 18, 2022, Plaintiff's counsel requested LIU's consent to a 30-day extension to file a Stipulation of Dismissal per Magistrate Judge Bulsara's December 21, 2021 Order. LIU consented to a 15-day extension which Plaintiff incorporated into a January 18, 2022 extension request to the Court. (DE 59).

18. The Court granted Plaintiff's request to file the Stipulation of Dismissal on or before February 4, 2022. (**Exhibit C**).

19. On February 2, 2022, Plaintiff's counsel informed me that Plaintiff was revoking his agreement to settle the Action.

20. On February 4, 2022, I prepared a joint status report on behalf of both parties, which was reviewed by Plaintiff's counsel.

21. Counsel advised Magistrate Judge Balsara: "As Your Honor is aware, the parties reached a settlement in principle at the December 21, 2021 settlement conference before Your Honor. I was recently advised by Plaintiff's counsel that the parties' settlement is no longer acceptable to Plaintiff and, as such, no stipulation of dismissal can be filed." (DE 60).

22. Subsequent to notifying the Court that Plaintiff revoked his agreement to settle the Action, LIU and its counsel made multiple attempts to persuade Plaintiff to satisfy his obligations under the parties' settlement agreement reached at the December 21, 2021 settlement conference, but to no avail.

Date: February 10, 2023
New York, NY



STEFANIE TOREN

EXHIBIT A

From: ecf_bounces@nyed.uscourts.gov
To: nobody@nyed.uscourts.gov
Subject: Activity in Case 1:17-cv-02170-NGG-SJB Patel v. Long Island University Order
Date: Tuesday, December 21, 2021 6:30:52 PM

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 12/21/2021 at 6:30 PM EST and filed on 12/21/2021

Case Name: Patel v. Long Island University

Case Number: [1:17-cv-02170-NGG-SJB](#)

Filer:

Document Number: No document attached

Docket Text:

MINUTE ENTRY AND ORDER: A settlement conference was held on 12/21/2021 before Magistrate Judge Sanket J. Bulsara. Counsel and all parties were present. A settlement was reached. The parties shall file a stipulation of dismissal by 1/20/2022. So Ordered by Magistrate Judge Sanket J. Bulsara on 12/21/2021. (Morrow, Emily)

1:17-cv-02170-NGG-SJB Notice has been electronically mailed to:

Douglas Peter Catalano dpcatalano@cbdm.com

Stefanie Robin Toren srtoren@cbdm.com

Joshua S. Beldner jbeldner@tiltonbeldner.com, joshbeldner1@gmail.com

Stephen Paul Pischl sppischl@cbdm.com, stephen.pischl@gmail.com

1:17-cv-02170-NGG-SJB Notice will not be electronically mailed to:

EXHIBIT B

From: [Stefanie Munsky Toren](#)
To: [Josh Beldner](#)
Cc: [Douglas P Catalano](#)
Subject: RE: Patel v. LIU
Date: Monday, January 10, 2022 11:37:00 AM

Thanks, Josh.

Stefanie Munsky Toren
Clifton Budd & DeMaria, LLP
(212) 687-7410
Direct: (212) 842-7159

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From: Josh Beldner <jbeldner@tiltonbeldner.com>
Sent: Monday, January 10, 2022 11:37 AM
To: Stefanie Munsky Toren <srtoren@cbdm.com>
Cc: Douglas P Catalano <dpcatalano@cbdm.com>
Subject: Re: Patel v. LIU

Hi Stefanie,

I did receive your voicemail from last week. I'm still discussing certain issues with my client. I will hopefully be in position to get back to you guys by tomorrow or Wednesday.

Thanks,

Josh

Tilton Beldner LLP
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www.tiltonbeldner.com

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On Mon, Jan 10, 2022 at 11:10 AM Stefanie Munsky Toren <srtoren@cbdm.com> wrote:

Hi Josh,

I hope that you had a nice weekend.

As a follow-up to my voicemail message last week, can you please give me a call concerning the settlement documents?

Thanks,
Stefanie

Stefanie Munsky Toren
Clifton Budd & DeMaria, LLP
The Empire State Building
350 Fifth Avenue, 61st Floor
New York, NY 10118
(212) 687-7410
Direct: (212) 842-7159
Fax: (212) 687-3285
www.cbdm.com

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EXHIBIT C

From: ecf_bounces@nyed.uscourts.gov
To: nobody@nyed.uscourts.gov
Subject: Activity in Case 1:17-cv-02170-NGG-SJB Patel v. Long Island University Order on Motion for Extension of Time to File
Date: Wednesday, January 19, 2022 10:36:16 AM

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U.S. District Court

Eastern District of New York

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The following transaction was entered on 1/19/2022 at 10:35 AM EST and filed on 1/19/2022

Case Name: Patel v. Long Island University

Case Number: [1:17-cv-02170-NGG-SJB](#)

Filer:

Document Number: No document attached

Docket Text:

ORDER: The motion for an extension of time to file [59] is granted. The parties shall file a stipulation of dismissal by 2/4/2022. So Ordered by Magistrate Judge Sanket J. Bulsara on 1/19/2022. (Morrow, Emily)

1:17-cv-02170-NGG-SJB Notice has been electronically mailed to:

Douglas Peter Catalano dpcatalano@cbdm.com

Stefanie Robin Toren srtoren@cbdm.com

Joshua S. Beldner jbeldner@tiltonbeldner.com, joshbeldner1@gmail.com

Stephen Paul Pischl sppischl@cbdm.com, stephen.pischl@gmail.com

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